

## Message

**From:** Dorka, Lilian [Dorka.Lilian@epa.gov]  
**Sent:** 3/31/2017 12:39:54 AM  
**To:** Temple, Kurt [Temple.Kurt@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Martinez, Brittany [Martinez.Brittany@epa.gov]; Stein, Jonathan [Stein.Jonathan@epa.gov]  
**Subject:** Re: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Thanks so much Mark! I would probably not have felt comfortable doing it myself so I appreciate that you did it for us. ☺ I suspected the attachments had a hunch of pii and if complainants don't mind turning it all over- that's great but we would not be able to do that, so treating it as a FOIA was our way of making sure the docs were appropriately redacted and pii was withheld using proper authority. I guess we could have also gotten complainants consent to release any pii too. Anyway, thanks for doing this for us and saving us some valuable time! Lilian

Sent from my iPhone

On Mar 30, 2017, at 6:55 PM, Temple, Kurt <Temple.Kurt@epa.gov> wrote:

FYI -

Sent from my iPhone

Begin forwarded message:

**From:** "Stilp, Mark" <Stilp.Mark@epa.gov>  
**Date:** March 30, 2017 at 6:18:53 PM EDT  
**To:** "Stein, Jonathan" <Stein.Jonathan@epa.gov>, "Rementer, Nicole" <rementer.nicole@epa.gov>, "Temple, Kurt" <Temple.Kurt@epa.gov>  
**Subject:** RE: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

I agree. Typically, this should become a FOIA request by sending it to FOIA HQ.

However, you probably do not need to do that this time.

I just called the Earthjustice attorney that signed the Title VI complaint and asked him to send the exhibits to Ms. Prescott-Tate and the Earthjustice attorney happily agreed. The Earthjustice attorney even had Ms. Prescott-Tate's email address.

This took me about 3 minutes and should save ECRCO hours of work.

I suggest that ECRCO call Ms. Prescott-Tate to ask if she received the exhibits from Earthjustice and to ask if she would like her original email to be processed as a FOIA request. My guess is she will not need the FOIA request

We're certainly more than happy to create a FOIA for Ms. Prescott-Tate, but sometimes that is not the most efficient way for the Agency or any involved parties.

Mark Stilp | Attorney-Adviser | Office of General Counsel | U.S. Environmental Protection Agency | 1200 Pennsylvania Ave. NW | Washington, DC 20460 | mail code: 2377A | office: 202.564.4845 | cell: 202.839.1889

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**From:** Stein, Jonathan

**Sent:** Thursday, March 30, 2017 9:59 AM

**To:** Rementer, Nicole <[rementer.nicole@epa.gov](mailto:rementer.nicole@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Cc:** Stilp, Mark <[Stilp.Mark@epa.gov](mailto:Stilp.Mark@epa.gov)>

**Subject:** RE: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Thanks - this is consistent with how we've been doing this previously. I have forwarded them the portion of the email chain in the past where we get confirmation from the requester that we're going to process their inquiry as a FOIA and it has been working well. Might actually get back to us faster from FOIA HQ now that there is one less step.

Best Regards,

Jonathan M. Stein

Attorney Advisor

Office of General Counsel – External Civil Rights Compliance Office

U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

202/564-2088 | [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)

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Please consider the environment before printing this email.

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**From:** Rementer, Nicole

**Sent:** Thursday, March 30, 2017 9:13 AM

**To:** Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Cc:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Stilp, Mark <[Stilp.Mark@epa.gov](mailto:Stilp.Mark@epa.gov)>

**Subject:** RE: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

+Mark

Kurt:

If EPA Title VI regulations do not provide an avenue to release the complaint to the recipient independent of FOIA, then I think Lilian is correct to process it as a FOIA request and apply any exemptions. ECRCO should forward the request to the National FOIA Office, so it can be entered into FOIAonline and assigned a tracking number.

Mark—thoughts?

Nicole

***Nicole M. Rementer***

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)  
U.S. Environmental Protection Agency | Office of General Counsel  
7340K WJCN | 202.564.3692

**From:** Temple, Kurt  
**Sent:** Thursday, March 30, 2017 9:00 AM  
**To:** Rementer, Nicole <[rementer.nicole@epa.gov](mailto:rementer.nicole@epa.gov)>  
**Cc:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>  
**Subject:** FW: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)  
**Importance:** High

Nicole: The recipient in the above-referenced open Hawaii matters requested a copy of the complaint. Lilian wants to treat the request as a FOIA see below. Do you know how we can facilitate this?

Kurt

**From:** Dorka, Lilian  
**Sent:** Wednesday, March 29, 2017 6:15 PM  
**To:** Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
**Subject:** FW: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)  
**Importance:** High

Hi Kurt and Jonathan, Brittany is consumed with the Ex. 6 Personal Privacy (PP) today and tomorrow. Could you please help us out by getting this into the FOIA System as a control and then getting the complaint from Brittany and giving me an estimate re how long it will take to review/redact, etc? Brittany will be able to work on this next week but I want to get it rolling as the State's clock is ticking on their response. Brittany, any other thoughts? Thanks!! Lilian

Lilian Sotolongo Dorka  
Director, External Civil Rights Compliance Office  
EPA, Office of General Counsel  
202-564-9649  
WJC-N Room 2450

**From:** Dorka, Lilian  
**Sent:** Wednesday, March 29, 2017 6:12 PM  
**To:** 'Prescott-Tate, Delanie D' <[delanie.d.prescott-tate@hawaii.gov](mailto:delanie.d.prescott-tate@hawaii.gov)>; Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>  
**Cc:** Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>  
**Subject:** RE: EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hello Delanie, consistent with our established procedures, we will process this as a Freedom of Information Act request and provide the document to you consistent with FOIA requirements. However, we will need to review the document (and attachments) to make sure we are not releasing and personally identifiable information that is protected. Let me touch base with staff to see how long this will take so that we can expedite our response as much as possible. Thanks! Lilian

Lilian Sotolongo Dorka  
 Director, External Civil Rights Compliance Office  
 EPA, Office of General Counsel  
 202-564-9649  
 WJC-N Room 2450

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**From:** Prescott-Tate, Delanie D [<mailto:delanie.d.prescott-tate@hawaii.gov>]  
**Sent:** Wednesday, March 29, 2017 5:52 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Martinez, Brittany <[Brittany.Martinez@epa.gov](mailto:Brittany.Martinez@epa.gov)>  
**Cc:** Prescott-Tate, Delanie D <[delanie.d.prescott-tate@hawaii.gov](mailto:delanie.d.prescott-tate@hawaii.gov)>  
**Subject:** EPA File Nos. 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Ms. Dorka and Ms. Martinez,

I have been assigned to respond to the above referenced administrative complaint on behalf of the Hawaii Department of Agriculture – Pesticide Branch. The response is currently due on April 12, 2017. HDOA has never received a copy of the Earthjustice Complaint that details the allegations.

I was able to print a 29 page document dated September 14, 2016 from the internet. This document refers to 14 exhibits, which were not part of the 29 pages retrieved from the internet. I'm not really sure this is the same document referred to in your letter to Director Enright dated March 9, 2017 (administrative complaint filed by Earthjustice on behalf of the Moms on a Mission Hui and Po' ai Wai Ola/West Kauai Watershed Alliance).

Would it be possible for your office to provide me with a copy of the Earthjustice administrative complaint and exhibits so I may properly respond to the allegations? It would be greatly appreciated if you could email me copies.

If you have any questions, please do not hesitate to contact me. Thank you so much for your help!!

Delanie

Deputy Attorney General Delanie D. Prescott-Tate  
 Department of the Attorney General  
 Commerce & Economic Development Division  
 425 Queen Street  
 Honolulu, Hawaii 96813  
 (808) 586-1180

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